

MILMAN LABUDA LAW GROUP PLLC

3000 MARCUS AVENUE
SUITE 3W8
LAKE SUCCESS, NY 11042

TELEPHONE (516) 328-8899
FACSIMILE (516) 328-0082

October 2, 2023

VIA ECF

United States District Court
Eastern District of New York
Attn: Hon. Orelia E. Merchant, U.S.D.J.
225 Cadman Plaza East
Courtroom 6C South
Brooklyn, NY 11201-1804

Re: Superb Motors Inc., et al. v. Deo, et al.
Case No.: 2:23-cv-6188 (OEM) (ST)

Dear Judge Merchant:

This firm represents Plaintiffs Superb Motors Inc. (“Superb”), Team Auto Sales LLC (“Team”), and Robert Anthony Urrutia (“Urrutia”) (Superb, Team, and Urrutia collectively hereinafter the “Moving Plaintiffs”) in the above-referenced case.

The Moving Plaintiffs write in compliance with this Court’s Memorandum & Order on Preliminary Injunction dated September 29, 2023 (ECF Docket Entry 55) (hereinafter the “Order”) to submit a declaration on the docket informing the Court of the status of their compliance with the Order. See copy of declaration annexed hereto as **Exhibit “A.”**

As to the Deo Defendants, the Moving Plaintiffs respectfully request that they provide, in addition to that which is required under the Order, date-stamped photographs of the vehicles and the odometer reading for each of the vehicles. The Moving Plaintiffs are prepared to do the same.

Further, the Moving Plaintiffs respectfully note that as this Court continues to assess the scope and terms of this preliminary injunction,¹ there remain forty-three (43) vehicles unaccounted for. Indeed, of the eighty-nine (89), twenty-eight (28) have been recovered,² six (6) are in the Deo Defendants’ possession, and twelve (12) other vehicles’ whereabouts have been ascertained, leaving the remaining forty-three (43) vehicles in limbo as they are not specifically referenced in the Order. In light of the Order, the Moving Plaintiffs respectfully submit this Court should require the Deo Defendants to return the remaining vehicles. To the extent they are unable to do so, an evidentiary hearing³ should be held to adduce evidence as to their whereabouts.

¹ See Conn. Office of Prot. & Advocacy for Persons with Disabilities v. Hartford Bd. of Educ., 464 F.3d 229, 245 (2d Cir. 2006) (“District courts have broad authority in crafting equitable remedies such as injunctions”) (cleaned up).

² Two (2) additional vehicles not on the original list of eighty-nine (89) were separately recovered.

³ The Moving Plaintiffs sought as part of their emergency relief expedited discovery. While this Court denied that relief in its decision on their motion for a temporary restraining Order, it should provide this relief in relation to the preliminary injunction issued so that the Moving Plaintiffs may avail themselves of discovery to, *inter alia*, subpoena third parties and issue appropriate demands to the Defendants to learn of their whereabouts.

The Moving Plaintiffs thank this Court for its time and attention to this case.

Dated: Lake Success, New York
October 2, 2023

Respectfully submitted,

MILMAN LABUDA LAW GROUP PLLC

/s

Jamie S. Felsen, Esq.
Emanuel Kataev, Esq.
3000 Marcus Avenue, Suite 3W8
Lake Success, NY 11042-1073
(516) 328-8899 (telephone)
(516) 328-0082 (facsimile)
jamiefelsen@mllaborlaw.com
emanuel@mllaborlaw.com

*Attorneys for Plaintiffs
Superb Motors Inc.,
Team Auto Sales LLC, &
Robert Anthony Urrutia*

VIA ECF

Cyruli Shanks & Zizmor LLP
Jeffrey Ruderman, Esq.
420 Lexington Avenue, Suite 2320
New York, NY 10170-0002
(212) 661-6800 (office)
(347) 379-4622 (direct dial)
(212) 661-5350 (facsimile)
jruderman@cszlaw.com

*Attorneys for Plaintiffs
189 Sunrise Hwy Auto LLC,
Northshore Motor Leasing, LLC,
1581 Hylan Blvd Auto LLC,
1580 Hylan Blvd Auto LLC,
1591 Hylan Blvd Auto LLC,
1632 Hylan Blvd Auto LLC,
1239 Hylan Blvd Auto LLC,
2519 Hylan Blvd Auto LLC,
76 Fisk Street Realty LLC,
446 Route 23 Auto LLC,
Island Auto Management, LLC,
Brian Chabrier,
Joshua Aaronson, and
Jory Baron*

VIA ECF

HARRY R. THOMASSON, ESQ.
Harry R. Thomasson, Esq.
3280 Sunrise Highway, Box 112
Wantagh, NY 11793
(516) 557-5459 (cellular)
hrtatty@verizon.net

*Attorneys for Defendants
Anthony Deo
Sarah Deo,
Harry Thomasson,
Dwight Blankenship,
Marc Merckling,
Michael Laurie,
Car Buyers NYC Inc.,
Gold Coast Cars of Syosset LLC,
Gold Coast Cars of Sunrise LLC,
Gold Coast Motors Automotive Group LLC,
Gold Coast Motors of LIC LLC,
Gold Coast Motors of Roslyn LLC,
Gold Coast Motors of Smithtown LLC,
and UEA Premier Motors Corp.*

VIA ECF

Milber Makris Plousadis & Seiden, LLP
Peter Sieden & John Lentinello, Esqs.
1000 Woodbury Road, Suite 402
Woodbury, NY 11797-2511
(516) 870-1102 (office)
pseiden@milbermakris.com
jlentinello@milbermakris.com

*Attorneys for Defendants
Jones, Little & Co., CPA's LLP
& Thomas Jones CPA*

VIA ECF

Cullen and Dykman LLP
Thomas S. Baylis & Ariel E. Ronneburger, Esqs.
333 Earle Ovington Blvd, 2nd Floor
Uniondale, NY 11553
(516) 357-3700 (office)
tbaylis@cullenllp.com
aronneburger@cullenllp.com

*Attorneys for Defendant
Flushing Bank*